

SENATOR SCHMIT: Okay then what about the communities which did not have a plan in 1967? Are they covered under your legislation?

SENATOR BEREUTER: Under 317, no except in those four counties. But not relevant to this matter. It just simply means that if you didn't have zoning in effect before '67 you can't put it into effect after '67 without a planning commission.

SENATOR SCHMIT: But if you did not have zoning in effect before 1967 then where do we stand?

SENATOR BEREUTER: They have to have a planning commission and the planning commission has to prepare it for city council action.

SENATOR SCHMIT: So then, in effect, the second class cities, outside of the four metropolitan areas, are included?

SENATOR BEREUTER: No, they're not required to do anything. The 39 counties, the cities in those 39 counties are not required to do anything at this present time under any legislation.

SENATOR SCHMIT: Do you know how many communities might have been affected as were the areas that Senator Rasmussen refers to?

SENATOR BEREUTER: By the 1967 act?

SENATOR SCHMIT: Yes.

SENATOR BEREUTER: I really don't to be truthful about it. This is the only one, apparently, that's come to anybody's attention since '67.

SENATOR SCHMIT: Well are we passing a bill then for just strictly one community?

SENATOR BEREUTER: I don't know. Perhaps Senator Rasmussen can tell you if he knows of more cities affected than one.

SENATOR SCHMIT: Thank you Senator Bereuter. Senator Rasmussen, do you want to identify the community that is involved here?

SENATOR RASMUSSEN: Certainly, it's Loup City.

SENATOR SCHMIT: Do you know of any other communities in the same situation in which Loup City is?

SENATOR RASMUSSEN: No, none. This is the only contact I've had on it. I was asked by the City Attorney if I would prepare legislation to help them out, which, like I said previously, Don Nelson helped draft the bill and here it is.

SENATOR SCHMIT: Mr. Nelson had indicated to us earlier that the second class cities were not covered by the bill. Isn't that right?

SENATOR RASMUSSEN: Senator Schmit, after our informal meeting the other morning, I begin to question whether they had the power to do this. I wonder if they weren't just maybe scaring them.